

# EXHIBIT F

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MDL NO.: 2419  
Master Dkt. 1:13-md-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC., PRODUCTS LIABILITY  
LITIGATION

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THIS DOCUMENT RELATES TO:

All Actions Naming Saint Thomas Outpatient  
Neurosurgical Center

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Videotaped Deposition of  
DAVID S. JOSEPH, RPH, FIACP  
Friday, February 19, 2016  
9:04 a.m.

The Orlando Firm  
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Georgeanne Rodriguez, RPR

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8 Greg Waugh, Videographer.  
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1           A.    It was in the big -- the main cleanroom.

2           Q.    Where was that done?

3           A.    It is just adjacent to the -- to the isolator  
4   hood.

5           Q.    Was that done on that -- was it done in the  
6   same place for the three contaminated lots, for the May  
7   lot, the June lot, and the August lot? Was it always  
8   done in that same place?

9           A.    I don't know specifically where each one was  
10   done, but at least one of the lots were done at the time  
11   in that hood.

12          Q.    Okay. And this was next to the hood, you  
13   said?

14          A.    It's adjacent to the hood. It's typically  
15   what you do in a sterile pharmacy when you are putting  
16   ingredients together.

17          Q.    Okay. Now, that video of the hood, that was  
18   taken in December of 2012, correct?

19          A.    Correct.

20          Q.    And do you know if the location of that hood  
21   had changed between May, June, and August of 2012 and  
22   December of 2012?

23          A.    That's something that I would not have  
24   information on.

25          Q.    And how many hoods were used to prepare -- was



1 it only one hood that was used to prepare the three  
2 contaminated lots, the May lot, the June lot, and August  
3 lot of MPA?

4 A. That, I don't know specifically.

5 Q. Was there more than one hood?

6 A. There were three -- three glove boxes in that  
7 room, so --

8 Q. By glove boxes -- let's make sure we have the  
9 terminology. You talked about hood.

10 A. Okay. So there's three glove boxes and three  
11 powder hoods that are associated with those -- with  
12 those hoods that generally are adjacent to them and are  
13 used to transfer the mixture once it's -- once it's made  
14 in the powder hood to go into the glove box.

15 Q. Okay. So there's potentially three different  
16 hoods that were used to prepare these three contaminated  
17 lots, correct?

18 A. That should be noted on the log. I didn't  
19 really check it to see, but --

20 Q. On the logged formula worksheet?

21 A. Yes.

22 Q. It tells you what hood it was prepared in?

23 A. It's supposed to. That's --

24 Q. Does it?

25 A. I'd have to take another look at it.

1 Q. Do you know which hood each lot was prepared  
2 in?

3 A. I do not.

4 Q. And then there was an email from Steve Higgins  
5 that had to do with air-conditioning, correct?

6 A. Yes.

7 Q. Okay. So now we've gone through  
8 Mr. Schramek's original letter disclosing what you --  
9 documents you had reviewed. We've gone through his  
10 email yesterday of documents reviewed.

11 I need to know whether there's any other  
12 documents that you've reviewed that we have not  
13 discussed today.

14 A. No.

15 MR. ELLIS: Okay. Let me introduce this as  
16 the next exhibit, which will be 1157.

17 (Exhibit 1157 marked for identification.)

18 BY MR. ELLIS:

19 Q. And this is Saint Thomas's objections and  
20 responses to that deposition notice which asked you to  
21 produce certain documents, which was Exhibit 1154. Take  
22 a look at this.

23 Have you seen this before?

24 A. No, I have not.

25 Q. Okay.



1 to make sure we're both on the same page here.

2 By the way, did Saint Thomas Neurological  
3 Clinic get copies of those test results -- sterility  
4 test results?

5 A. Did they what?

6 Q. Get copies of them. Did they request copies  
7 of the test results from the --

8 A. I have no knowledge of that.

9 Q. Now, after those two samples were taken from  
10 the bulk, the bulk suspension was transferred from a  
11 beaker -- it cooled after the autoclave. It had to cool  
12 down.

13 A. Uh-huh.

14 Q. And then it's transferred to a Nalgine  
15 container, correct?

16 A. Correct.

17 Q. Was it one Nalgine container or more?

18 A. My understanding, that it was -- at that  
19 volume, it had to be at least two Nalgine containers.

20 Q. Okay. You've got 12.5 liters?

21 A. Uh-huh.

22 Q. Okay. How big are these Nalgine containers  
23 that they were stored in?

24 A. They're anywhere from 500 to 1,000 mls.

25 Q. But with NECC, the three lots, how big were

1 the Nalgine containers?

2 A. I don't know.

3 Q. Do you know how many Nalgine containers they  
4 were storing?

5 A. I don't.

6 Q. Okay. During the transfer process from the  
7 beaker to the Nalgine container, that's a manual process  
8 correct? Poured?

9 A. Yeah, it's poured in.

10 Q. Okay. It's manual, correct?

11 A. Yes.

12 Q. The MPA could have been contaminated during  
13 that step in the process, correct?

14 A. Correct.

15 Q. It's possible?

16 A. Uh-huh.

17 Q. Okay. The Nalgine container itself, or the  
18 Nalgine containers, because we know there's more than  
19 one, we know how many, right? One or more of them could  
20 have been contaminated, the actual container, correct?

21 A. If not properly sterilized.

22 Q. Right.

23 A. Right.

24 Q. It's possible?

25 A. Uh-huh.

## 1 REPORTER'S DEPOSITION CERTIFICATE

2  
3 STATE OF FLORIDA )

4 COUNTY OF HILLSBOROUGH )

5 I, Georgeanne Rodriguez, Registered  
6 Professional Reporter, certify that I was authorized to  
7 and did stenographically report the deposition of  
8 DAVID S. JOSEPH, RPH, FIACP; that a review of the  
9 transcript was not requested; and that the transcript is  
10 a true and complete record of my stenographic notes.

11 I further certify that I am not a relative,  
12 employee, attorney, or counsel of any of the parties,  
13 nor am I a relative or employee of any of the parties'  
14 attorney or counsel connected with the action, nor am I  
15 financially interested in the action.

16 I further certify the original transcript will  
17 be delivered to Branstetter, Stranch & Jennings,  
18 attorneys for Plaintiffs, for filing with the court or  
19 its safekeeping.

20 The foregoing certification of this transcript  
21 does not apply to any reproduction of the same by any  
22 means unless under the direct control and/or direction  
23 of the certifying reporter.

24 Dated this 1st day of March 2016.

25  
Georgeanne Rodriguez, RPR